

Notice of Allowability

Application No.

10/694,009

Examiner

David J. Parsley

Applicant(s)

MAZZEI ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's amendment dated 6-27-05.
2. ☒ The allowed claim(s) is/are 1,4,6-8,11,13 and 14.
3. ☒ The drawings filed on 24 October 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Michael Sachs on 7-12-05.

The application has been amended as follows: dependent claim 12 is to be included into independent claim 1 and claim 1 is to read as follows:

1. A practice projectile for use with a gun system, comprising:
 - a fuze, wherein the fuze has an elongated stepped shape comprised of a forward end, an intermediate end, and a narrower rearward step;
 - a hollow projectile body including an open front end and a closed rear end;
 - wherein the front end of the projectile is secured to the fuze;
 - a boom assembly secured to the closed end of the projectile body;
 - a center vent tube located entirely within the projectile body, having a forward end that is secured to the fuze abutting the inner wall of the projectile near the forward end of the projectile body, and a rearward end that abuts against the inner wall of the projectile body near the rear end of the projectile body, whereby an empty chamber is formed inside the hollow projectile body between the inner wall of the projectile body

and the outer wall of the vent tube to form a smoke chamber and to provide added weight to control a center of gravity of the projectile, said vent tube having a wall located within, near its forward end, the wall entirely plugging the inner portion of the vent tube and disposed perpendicular to the longitudinal axis of the vent tube, the rearward step of the fuze extending into the vent tube and engaging the wall located inside the vent tube;

wherein the rear end of the projectile body includes a plurality of normally closed vent holes that are disposed in close proximity to the boom assembly, in fluidic communication with the smoke chamber; and

a plurality of vent plugs that fit in the vent holes to plug the vent holes, wherein the vent plugs become unplugged from the projectile body upon function of the fuze, and allow smoke that accumulates inside the smoke chamber to be released so as to provide a signature for the projectile, said vent plugs being generally cylindrically shaped bodies with dome shaped ends, said cylindrically shaped bodies disposed inside the vent holes with a portion extending into the hollow interior of the projectile body and where said dome shaped ends extend entirely outside the projectile body and abut against the outer wall of the projectile body.

Claim 12 is cancelled.

Claim 13 is now dependent upon claim 1 and is to read as follows:

13. The projectile of claim 1, wherein the rearward step defines an edge with the intermediate step.

Reasons for Allowance

2. The following is an examiner's statement of reasons for allowance: the combination of limitations of "...a center vent tube located entirely within the projectile body, having a forward end that is secured to the fuze abutting the inner wall of the projectile near the forward end of the projectile body, and a rearward end that abuts against the inner wall of the projectile body near the rear end of the projectile body, whereby an empty chamber is formed inside the hollow projectile body between the inner wall of the projectile body and the outer wall of the vent tube to form a smoke chamber and to provide added weight to control a center of gravity of the projectile, said vent tube having a wall located within, near its forward end, the wall entirely plugging the inner portion of the vent tube and disposed perpendicular to the longitudinal axis of the vent tube, the rearward step of the fuze extending into the vent tube and engaging the wall located inside the vent tube..." and "...a plurality of vent plugs that fit in the vent holes to plug the vent holes, wherein the vent plugs become unplugged from the projectile body upon function of the fuze, and allow smoke that accumulates inside the smoke chamber to be released so as to provide a signature for the projectile, said vent plugs being generally cylindrically shaped bodies with dome shaped ends, said cylindrically shaped bodies disposed inside the vent holes with a portion extending into the hollow interior of the projectile body and where said dome shaped ends extend entirely outside the projectile body and abut against the outer wall of the projectile body...." in claim 1 is not found in combination in the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Parsley whose telephone number is (571) 272-6890. The examiner can normally be reached on 9hr compressed.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Poon can be reached on (571) 272-6891. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David Parsley
Patent Examiner
Art Unit 3643


PETER M. POON
SUPERVISORY PATENT EXAMINER
7/14/05